



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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3-13-03

Applicant(s): Dupont et al.  
Appl. No.: 09/833,314  
Conf. No.: 4353  
Filed: April 10, 2001  
Title: CANNED FILLED PET FOOD  
Art Unit: 1761  
Examiner: S. Weinstein  
Docket No.: 112701-239

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Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action dated November 14, 2002, Applicants respectfully submit as follows.

**REMARKS**

In the Office Action, Claims 1-17 are rejected under 35 U.S.C. § 103 in view of a combination of a number of references. Applicants respectfully submit that the rejection is improper for the reasons set forth below.

Claims 1-17 stand rejected under 35 U.S.C. §103 as being unpatentable over *May* (WO 98/05219) in view of *Henkel* (GB '634), *Mandanas* (WO 94/26606) and *Routh* ('901), further in view of Applicants' alleged admission of the prior art, *McMahon* (GB '357), *Hillebrand* (Australia 50797/96), *Errass* (EP675046), *QP Corp.* (JP '677), *QP Corp.* (JP '174), *Quaker Oats* (GB '351), *Bechtel* ('847), *May* (WO '521) and *Ohba* (EP '252). Accordingly, the Examiner has maintained the obvious rejection in view of thirteen (13) references!

Of the pending claims, claims 1, 2, 6 and 9 are the sole independent claims. Claims 1, 2 and 6 each relate to a canned pet food product that has an upper end and a lower end; and claim 9 relates to a process for producing a canned pet food product. More specifically, the canned pet food product as defined in claim 1 includes an outer tubular phase which is substantially solid